THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.22734 AND 22746 OF 2005

Dated: 25.10.2005

WP.No.22734 of 2005:

Between

City Capital Foundation Limited, rep. by its Director Vinod Karanam, S/o. K Krishna Pillai, having its office in Survey No.159, Kompalli Village, Kutbullapur Mandal, Ranga Reddy District.

...PETITIONER

AND

The Superintendent of Police, Guntur and others.

...RESPONDENTS

WP.No.22746 of 2005

Between

City Capital Foundation Limited, rep. by its Director Vinod Karanam, S/o. K Krishna Pillai, having its office in Survey No.159, Kompalli Village, Kutbullapur Mandal, Ranga Reddy District.

...PETITIONER

AND

The Commissioner of Police, Guntur and others.

...RESPONDENTS

COMMON ORDER:

These two writ petitions are filed to issue Writ of Mandamus to declare the inaction of the respondents in considering the application of the petitioner-company for grant of temporary licence for possession and sale of fire crackers as illegal, arbitrary and without jurisdiction.

It is stated that the petitioner-company was registered under the Companies Act and doing business at Hyderabad. The petitioner-company is primarily engaged, in business of trading, in retailing of firecrackers at Hyderabad, Guntur and Visakhapatnam. The licencing authority i.e. The Police Commissioner, Visakhapatnam and the District Collector, Guntur who are the concerned authorities for the grant of licence after obtaining necessary permits from the other respondents notified that such shops shall not be established especially in residential and commercial areas but the said retail and wholesale shops shall be established after taking necessary permission in the open compound only notified by them.

The only grievance of the petitioner is that the licencing authority has not considered the application of the petitioner in accordance with law.

On the other hand, the learned Government Pleader for Home submits that in view of the fire accident that took place on 23.10.2002 in respect of M/s. Shanti Fire Works, Siddiamber Bazar, Hyderabad, wherein 12 persons died and several others injured, the Government appointed a one-man-committee and the said committee after conducting enquiry made certain recommendations, which were accepted by the Government in Memo No.1020/L&0-II/A2/2000-2 dated 15.01.2003. The recommendation of the said committee is that the shops manufacturing, storing or sale of firecrackers shall not be allowed in the buildings in the residential or commercial areas and as far as possible, the godowns and shops shall be established in the open areas.

Having regard to the facts and circumstances of the case, the respondents are directed to consider and dispose of the application of the petitioner for grant of temporary licence for

possession and sale of firecrackers as expeditiously as possible in accordance with law within two days from the date of receipt of a copy of this order.

The writ petitions are accordingly disposed of.

_____

V. ESWARAIAH, J

October 25, 2005

DSK